

REMARKS

Claims 47, 49, 51 and 52-54 have been rejected by the Examiner under 35 USC 102(b) as being anticipated by or, in the alternative, under 35 USC 103 as being obvious over Avellanet, U.S. Patent 5,733,496. Also, claim 50 has been rejected by the Examiner under 35 USC 103(a) as being unpatentable over Avellanet in view of Vegoe et al., U.S. Patent 5,180,372. These rejections are respectfully traversed.

The Examiner is thanked for the courteous interview extended to the Applicants' attorney. As the Examiner will note, claims 47 and 48 have been slightly modified and claims 49 and 50 have been further amended to recite additional features of the present invention. Finally, claim 55 has been added to the present application, claim 55 reciting an example of a modifying agent which can be used in the present invention.

The present invention is directed to a rewindable flexible film or a flexible film wound into a roll as a precursor, said flexible film which can be, for example, paper, a polyolefin such as polyethylene, or the like being provided at selective locations or regions of the flexible film with a structurally transformable substance, for example polyether resin, a polyurethane, polyethylene, polypropylene, etc., in a modifying or activating agent which can be activated by the application of energy, such as for example heat, to initiate a change of the structurally transformable substance into a more rigid form. Thus, the flexible film, the structurally transformable substance and the modifying or activating agent coexist until it is desired to transform the flexible film in selected regions thereof into various types of objects.

As pointed out to the Examiner during the interview, it is believed that Avellanet is not even remotely concerned with the Applicants' inventive contribution. Thus, Avellanet is directed to a method of manufacturing catheters which are, structurally speaking, substantially rigid final products and not to a rewindable flexible film or a flexible film wound into a roll as defined by the present invention. Thus the products as defined by the present invention are actually precursors to a final product whereas the product defined by the reference patent is, in fact, a final product. Nowhere within the four corners of Avellanet does there appear to be any disclosure of the presence of a flexible film as defined by the present invention. It would appear

that the catheter of Avellanet is created by extrusion and thus there appears to be no suggestion of providing a flexible film which has been treated in a certain manner as defined by the present invention, said film being stored in the form of a roll or in any other manner, and used at some future time, with the use of outside energy, such as for example heat, to produce articles of desired configuration.

Furthermore, the flexible film of the present invention is provided with a structurally transformable substance at selective regions, depending upon the particular structures to be produced. In contradistinction thereto, the catheter of the prior art reference does not utilize a structurally transformable substance which, in the present invention, is applied to selective portions of the film, but rather the catheter itself undergoes irradiation to achieve variable rigidity in the catheter. In addition, since the irradiation is always applied to change the flexibility of the catheter, and since the catheter does not contain an additional structurally transformable substance, it is impossible in the case of the reference patent to produce anything but a rigid or partially flexible catheter. This is to be compared with the present invention wherein because selected regions of the flexible film are provided with a structurally transformable substance, it is possible to provide final structures of variable configuration depending upon the locations of the structurally transformable substance provided on the flexible film.

In still a further distinction from the present invention, the structurally transformable substance is provided with a modifying agent which is activated by the administration of energy thereto to create a structure of 3-dimensional configuration. In still a further distinction of the present invention from the prior art reference, the windable film of the present invention is transformable from a two-dimensional flexible film to a three-dimensional object due to the presence of the structurally transformable substance at selective locations whereas in the prior art reference there is no transformation from a substantially two-dimensional structure to a three-dimensional structure caused by the irradiation with an electron beam. Thus, in the case of Avellanet, a three-dimensional product, that is, a catheter, which is rigid, is converted by electron beam irradiation to the same catheter which is a little bit less rigid in some locations.

With all of the above distinctions in mind, it is difficult to understand how the Examiner can reject the claims of the present application over the teachings of Avellanet. Clearly the Examiner is trying to expand the teachings of Avellanet in view of the Applicants' own disclosure.

In rejecting claim 50 of the present application, the Examiner argues that Avellanet discloses a flexible film. However, it is believed that Avellanet does not, in fact, disclose a flexible film such as that defined by the present invention and thus to further rely upon Vegoe to show that it is old to use polyethylene as the material for a catheter, certainly does not fill the deficiencies of Avellanet. Vegoe merely shows an improved catheter which is made with radiation cross-linking tubings to provide better splitability in the longitudinal direction so that it can be removed from a vein without removing the inserted device. Accordingly, for all of the reasons set forth hereinabove, it is believed that neither Avellanet nor Vegoe et al., either alone or in combination, cannot possible suggest the present invention.

Accordingly, in view of the above amendments and remarks reconsideration of the rejections and allowance of all of the claims of the present application are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Joseph A. Kolasch Reg. No. 22,463 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 10/092,260
Amendment dated August 9, 2007
Reply to Office Action of April 9, 2007

Docket No.: 0695-0118P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

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